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## ELECTION COMMISSION, INDIA NOTIFICATION

New Delhi, the 22nd May, 1957

**S.R.O. 1736.**—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 429 of 1957, presented to the Commission on the 3rd May, 1957 under section 81 of the said Act, by Doctor Diwan Singh, 20, West Patel Nagar, New Delhi calling in question the election to the House of the People from the Patiala constituency of that House of Shri Achint Ram, 2, Telegraph Lane, New Delhi.

Presented to me by Dr. Diwan Singh whose signature has been obtained in the margin and attested as having been signed before me this third day of May One Thousand Nine Hundred and Fifty Seven.

To

Sd./- A. KRISHNASWAMY AIYANGAR,  
Secretary, 3-5-57.

ELECTION COMMISSIONER OF INDIA, NEW DELHI

ELECTION PETITION No. 429 of 1957

Doctor Diwan Singh, 20, West Patel Nagar, New Delhi—*Petitioner.*

*Versus*

Shri Achint Ram, Member, Parliament of India, 2, Telegraph Lane, New Delhi—*Respondent.*

Election Petition under Section 81 of the Representation of the Peoples Act, 1951, and the Rules made thereunder, calling in question the election of Shri Achint Ram, Respondent.

Sd/- DEWAN SINGH  
Attested

Sd/- A. KRISHNASWAMY AIYANGAR, Secy.

Respectfully sheweth:—

1. That the petitioner and the respondent were candidates to the Lok Sabha in the General Elections held in February—March, 1957 from 279—Patiala Constituency. In that election Sardar Ranjit Singh, Sardar Gajjan Singh, Sardar Fateh Singh, Shri Siri Chand and Shri Bachan Singh were other candidates. Of them Sardar Ranjit Singh, Sardar Gajjan Singh and Sardar Fateh Singh withdrew their candidature with the result that votes were polled in favour of the petitioner, the respondent, Shri Siri Chand and Shri Bachan Singh.

2. That in the election votes were polled on dates between 26th February, 1957 and the 14th March, 1957. In the result the respondent was declared elected to the Lok Sabha from 279—Patiala Constituency.

In that election votes were polled as under:—

- (i) Shri Achint Ram, Respondent—1,24,380 votes.
- (ii) Doctor Diwan Singh, Petitioner—79,947 votes.
- (iii) Shri Siri Chand—17,526 votes.
- (iv) Shri Bachan Singh—16,087 votes.

3. That inasmuch as the petitioner does not claim declaration that he himself or any other candidate has been duly elected it is not necessary to implead Shri Siri Chand and Shri Bachan Singh who also contested the election.

4. That the respondent filed the account of election expenses on the 20th April, 1957. On the 23rd of April, 1957, the petitioner applied for a copy of the account of election expenses filed by the respondent which was supplied to him on the 29th of April, 1957.

5. That the petitioner has deposited a sum of Rs. 1,000/- in the Government Treasury, Patiala, for the costs of the petition. Enclosed herewith is a receipt for that deposit.

6. That in the General Elections held in February—March, 1957, the persons named hereunder were candidates to the Punjab Legislative Assembly on the Congress tickets:—

- (a) Sardar Gian Singh Rarewala from Sirhind Constituency;
- (b) Shri Harchand Singh from Samana Constituency (Reserve);
- (c) Sardar Bhupinder Singh Mann from Samana Constituency;
- (d) Shri Mian Singh Gill from Sirhind Constituency (Reserve);
- (e) Sardar Prem Singh 'Prem' from Rajpura Constituency;
- (f) Shri Surlinder Singh from Patiala City Constituency;
- (g) Sardar Balwant Singh Chanarthal from Nabha Constituency. In the election in question Shri Achint Ram was candidate to the Lok Sabha on Congress Ticket from 279—Patiala Constituency. In the election the candidates to the Punjab Legislative Assembly mentioned in this paragraph and Shri Achint Ram were agents of each other.

7. That Sardar Prem Singh 'Prem' candidate to the Punjab Legislative Assembly from Rajpura Constituency used the National Flag for the furtherance of the prospects of his election and the election of Shri Achint Ram and appealed to the voters to honour the National Flag by voting for the Congress candidates. This campaign was carried on by Sardar Prem Singh 'Prem' in the Rajpura Constituency on dates between 15th of February, 1957 and the 25th of February, 1957.

8. That in the election in question Shri Achint Ram and his agents committed the corrupt practice of bribery as defined in section 123(1) of the Representation of the People Act, 1951. Particulars of this corrupt practice are:—

- (a) That on or about 28th February, 1957, Shri Sunder Lal, Election Agent of Shri Achint Ram, Sardar Gian Singh 'Rarewala' and Shri Vidya Sagar Sharma, General Secretary, District Congress Committee, Fatehgarh Sahib went to village Bhochi near Bassi Pathana in order to induce voters to vote for Sardar Gian Singh and Shri Achint Ram. Voters were promised immediate payment of compensation of land acquired by the Government for the construction of the canal, in case they voted for Sardar Gian Singh and Shri Achint Ram. In this way the votes of village Bhochi were secured for Sardar Gian Singh and Shri Achint Ram.
- (b) That allotment of land was made to three dozens families in village Gulahar in Samana Constituency. That allotment was cancelled about eleven months before the election in question. On or about 15th of February, 1957, the Sarpanch of village Gulahar and other representatives of the allottees whose allotment had been cancelled were sent for to see Shri Achint Ram and Sardar Bhupinder Singh Mann in the Rest House at Patiala. The Sarpanch of village Gulahar and other representatives were told that their allotment of lands would be restored in case they voted for Sardar Bhupinder Singh and Shri Achint Ram. In fact they were asked to see Sardar Shamsher Singh, Assistant Settlement Commissioner in that connection. On the next date of hearing Sardar Shamsher Singh restored the allotments that had been cancelled and the voters of village Gulahar voted for Shri Achint Ram and Sardar Bhupinder Singh Mann,

- (c) That on or about 2nd March, 1957, Shri Achint Ram and Shri Mian Singh Gill went to village Bhangwan, Police Station Bassi, in connection with the election. Reaching village Bhangwan they asked the voters of that village whether they would vote for the Congress candidates. Sardar Hari Singh, Welfare Officer, Sirhind, was with Shri Mian Singh Gill and Shri Achint Ram on that occasion. In order to induce the voters of that village to vote for Shri Achint Ram and Shri Mian Singh Gill they told the voters that a water pump would be set up for their use in their village in case they promised to vote the Congress candidates to the Punjab Legislative Assembly and the Lok Sabha. On the following day the water pump was installed in that village and voters voted for Shri Achint Ram and Shri Mian Singh Gill in that election.
- (d) That on or about 27th February, 1957, Shri Achint Ram and Shri Mian Singh Gill went to village Rajpur Itayan, Police Station Amloh. Sardar Hari Singh, Welfare Officer, Sirhind, was with Shri Achint Ram and Shri Mian Singh Gill. On a promise that the village well would be repaired in case they voted for the Congress candidates Shri Achint Ram and Shri Mian Singh Gill secured votes of that village. In fact bricks were sent to that village a few days before the polling. These bricks are lying on the spot.
- (e) That towards the close of February, 1957, Sardar Bhupinder Singh Mann went to village Kamalpur, Samana Constituency. Voters of that village were collected in the village Gurdwara. Sardar Bhupinder Singh Mann promised to build a bridge for them if they voted for him and Shri Achint Ram. In this way Sardar Bhupinder Singh Mann secured votes of village Kamalpur for himself and Shri Achint Ram.
- (f) That on the 25th February 1957, Shri Achint Ram, respondent, went to Mohalla Balmiki, Rajpura. On that occasion the Choudhry of the Balmikis was sent for who told Shri Achint Ram that the Balmikis were not prepared to vote for Congress candidates. In order to induce the voters to vote for Shri Achint Ram, money was distributed amongst the Balmiki voters of Mohalla Balmiki, Rajpura. In distributing money Shri Gulzari Lall, son of Shri Walaiti Ram of Mohalla Balmiki, Rajpura, acted as agent of Shri Achint Ram.
9. That in the election in question Shri Achint Ram and his election agents hired or procured vehicles for the conveyance of voters to the polling stations where votes were polled. Particulars of this corrupt practice are:—
- (i) On the 4th March, 1957, Shri Jit Singh of Khanpur, agent of Shri Achint Ram, wrote to Sardar Teja Singh who also acted as agent of Shri Achint Ram to send vehicles to the villages for the conveyance of voters to the polling station. In fact lorry was sent and the voters were brought to Harbanspura Polling Station. Photos were taken of the lorries conveying voters to the polling station on several occasions. In Gobindgarh the Camera of Shri Satpal was snatched from him when he was taking photos of the lorries carrying voters. That Camera is with the Police Officer, Police Station Amloh.
- (ii) On the 14th of March, 1957 in village Asarpur vehicle conveying voters to the polling station was stopped by the Polling Officer. That case is pending in the court of Sardar Gurcharan Singh, Magistrate 1st Class, Patiala.
- (iii) On the 12th of March, 1957 in village Dhanthal, Samana Constituency, complaint was made to the Presiding Officer by Shri Udhram Singh and Shri Jagjit Singh, agents of the petitioner, that voters were being conveyed to the polling station in lorries hired by Shri Achint Ram. On being questioned the voters who had come in the lorry stated to the Presiding Officer that they had been brought to the polling station in the lorry No. PUA 1101.
- (iv) On the 4th of March, 1957 in village Bhadalhua near Amloh, Gurnam Singh, son of Arjan Singh of that village was beaten by agents of Shri Achint Ram while he was noting the numbers of the lorries carrying voters for Shri Achint Ram and Sardar Gian Singh Rarewala. Report of the incident was lodged in Amloh Police Station.

- (v) On the 4th of March, 1957 Chhaja Singh of Bhadalthua had an open fight with the agents of Shri Achint Ram when he stopped the lorry carrying the voters of Shri Achint Ram and Sardar Gian Singh Rarewala. That incident was reported at the Police Station by the agents of Shri Achint Ram.
- (vi) On the 12th of March, 1957 in village Shatrana, Samana Constituency, lorry No. PUA 747 conveying voters to the polling station was stopped by Sardar Gurdev Singh, one of the candidates to the Punjab Legislative Assembly. That lorry was hired by Sardar Bhupinder Singh Mann and Shri Achint Ram for the conveyance of voters to the polling station. This incident was reported to the Presiding Officer at polling station Shatrana.
- (vii) On the 12th March, 1957, lorry conveying voters of Shri Achint Ram and Sardar Bhupinder Singh Mann was stopped at a place near Bajidpur polling station. This incident was reported to the Presiding Officer, Polling Station Bajidpur.
- (viii) On the 14th of March, 1957, lorry conveying voters of Sardar Bhupinder Singh Mann and Shri Achint Ram was stopped at a place near Mughalsarai Polling Station. Report of this incident was made to the Presiding Officer, Mughalsarai Polling Station.
- (ix) On the 12th of March, 1957, lorry conveying voters of Sardar Bhupinder Singh and Shri Achint Ram was stopped near Rajla Polling Station. Report of this incident was lodged with the Presiding Officer, Rajla Polling Station.
- (x) On the 14th of March, 1957, lorry conveying voters of Sardar Bhupinder Singh and Shri Achint Ram was stopped near Roshanpur Polling Station. Report to this effect was made to the Presiding Officer, Roshanpur. On that occasion the Presiding Officer obtained the signatures of the agent of Sardar Bhupinder Singh and Shri Achint Ram signifying that the voters were brought in a lorry to Roshanpur Polling Station.
- (xi) On the 14th of March, 1957, lorry conveying voters of Shri Achint Ram and Sardar Bhupinder Singh was stopped near Harpalpur Polling Station. This incident was reported to the Presiding Officer, Harpalpur Polling Station.
- (xii) On the 14th March, 1957, lorry conveying voters of Shri Achint Ram and Sardar Bhupinder Singh was stopped near Khairi Polling Station. This incident was reported to the Presiding Officer of that Polling Station.

10. That Shri Achint Ram and Shri Sunder Lal, Election Agent of Shri Achint Ram, obtained or procured assistance from persons in the service of the Government for the furtherance of the prospects of Shri Achint Ram's election. Particulars of this corrupt practice are as under:--

- (a) That Sardar Dalip Singh, Tahsildar, was in Lalru in January-February 1957, canvassing for Shri Achint Ram and Sardar Prem Singh 'Prem'.
- (b) That Sardar Dayal Singh Diwana, Block Development Officer, openly canvassed for Shri Achint Ram and Sardar Prem Singh 'Prem' in Rajpura Tehsil. In fact vehicles of the Pepsu Development Board were used by Shri Achint Ram in the election in question. In this election the vehicles of the Pepsu Development Board that were used bore the inscription "Pepsu Development Board."
- (c) That Sardar Surrinder Singh, Tahsildar, openly canvassed for Shri Achint Ram and Shri Surrinder Singh, Congress Candidates from Patiala city Constituency, at polling station Nos. 29, 30 and 31 on the 10th of March, 1957.
- (d) That Sardar Mohinder Singh, Assistant Panchayat Officer, Rajpura, actively canvassed for Shri Achint Ram and Sardar Prem Singh 'Prem' in Rajpura Constituency between the 6th of February, 1957 and the 25th of February, 1957. In fact Shri Pritpal Singh, Secretary of Rajpura Panchayat acted as polling agent for Shri Achint Ram at polling station No. 106 in Sirhind Constituency on the 6th of March 1957. Shri Pritpal Singh went from village to village canvassing

for Shri Prem Singh 'Prem' and Shri Achint Ram and was also engaged in bringing voters in vehicles to the polling station.

- (e) That Shri Rajinder Singh, Sub-Inspector Police beat Ajmer Singh son of Narauta Singh of village Dhakoli as he was supporting the candidature of Doctor Diwan Singh and Baba Sunder Singh for the election Baba Sunder Singh was opposing Sardar Prem Singh 'Prem' in the Rajpura Constituency.
- (f) That at Kaulgarh polling station 33 voters whose names are specified here-under were not allowed to poll their votes by the Presiding Officer on the false plea that they were not entitled to vote. This incident was reported to S.D.O. Bassi immediately:—

186. Harnam Kaur/Bakhtaur Singh
187. Sant Kaur/Joginder Singh
188. Gurdev Singh/Deviditta
189. Nanak Chand/Deviditta
190. Tej Kaur/Nanak Chand
191. Bachansingh/Hazara Singh
192. Chand Singh/Hazara Singh
193. Rajinder Kaur/Harbans Singh
194. Gulzar Singh/Bakhsish Singh
195. Aya Singh/Sardara Singh
196. Bhagwan Singh/Sunder Singh
197. Moti Singh/Jiwa Singh
198. Mohinderpal Singh/Chetar Singh
199. Chatar Singh/Rajasingh
200. Bachan Singh/Bachitar Singh
201. Jaswant Singh/Harnam Singh
202. Jagir Kaur/Jit Singh
203. Lachhman Kaur/Chatar Singh
204. Mukhtiar/Bachna
205. Puran Singh/Sewa Singh
206. Deviditta
207. Pars Ram
208. Sampuran Singh/Mahan Singh
209. Gulab Kaur/Gulzara Singh
210. Barkat/Fazla
211. Amar Singh/Sunder Singh
212. Jasmel Kaur/Amar Singh
213. Maghar Singh/Dasondhi Singh
214. Gajan Singh/Dasondhi Singh
215. Bhajan Singh/Inder Singh
216. Gurmail Singh/Bhajan Singh
217. Hoshlar Kaur/Gurmail Singh
218. Inder Singh/Attar Singh.

- (g) That on the 12th of March, 1957 at village Dhanthal lambardar Kirpal Singh of village Kheri was openly canvassing for Shri Achint Ram and Sardar Bhupinder Singh Mann within 100 yards of the polling station. In doing so he was threatening the supporters of Doctor Diwan Singh petitioner. On being interrogated by the Sub-Inspector of Police on duty he very rudely behaved towards that officer. This incident is the subject-matter of prosecution in a criminal court at Patiala.

11. That in the election in question agents of Shri Achint Ram openly interfered with the electoral right of voters, thereby committing corrupt practice of

undue influence as defined by section 123(2) of the Act. Particulars of this corrupt practice are:—

- (a) On the 22nd February 1957 Sardar Sher Singh, leader of the Harijans, was taken in custody by Shri Salag Ram, Magistrate of Rajpura on the instigation of Sardar Prem Singh 'Prem' and Shri Achint Ram and was kept in Jail till the election was over. That arrest was made to prevent Shri Sher Singh, leader of the Harijans in Rajpura, from supporting the candidature of Doctor Diwan Singh and Baba Sunder Singh. Sardar Balbinder Singh, Tahsildar Rajpura was transferred from Rajpura to Bhatinda for the reason, that he refused to support Sardar Prem Singh 'Prem' and Shri Achint Ram. On the conclusion of the election Sardar Balbinder Singh has been sent back to Rajpura.
- (b) On or about 1st March, 1957, Shri Pritpal Singh agent of Shri Achint Ram, went to village Kaulgarh and beat Mst. Chinto and her son, Lal, for they refused to vote for the Congress candidates. This case was reported at Amloh Police station.

12. That the account of expenses filed by Shri Achint Ram contravenes the provisions of section 77 of the Act. Particulars of contravention of section 77 of the Act are given here-under:—

- (a) That Shri Achint Ram and his election agents failed to keep separate and correct account of all the expenses incurred in connection with the election of Shri Achint Ram or by his election agent, between the date of the publication of the notification calling the election in question and the date of declaration of the result thereof, both days inclusive. In November, 1956, notification was published calling the election in question. Between November 1956 and 28th January, 1957, Shri Achint Ram applied to the Provincial Congress Committee for selection as candidate to the Lok Sabha. In Patiala the candidates who had applied for candidature on Congress ticket to the Punjab Legislative Assembly and Lok Sabha from the Punjab were interviewed. In fact the candidates paid Rs. 100/- as application fee to the Provincial Congress Committee. Expenses incurred by Shri Achint Ram between November, 1956 and 28th of January 1957 are not included in the account of expenses filed by Shri Achint Ram.
- (b) That inasmuch as the account of expenses does not contain particulars prescribed under section 77 of the Act. Shri Achint Ram has, in filing the account of expenses, contravened section 77(2) of the Act. In the account of election expenses particulars specified hereunder are to be given:—
  - (i) The date on which the expenditure was incurred or authorised;
  - (ii) Nature of expenditure;
  - (iii) Amount of expenditure;
  - (iv) The amount paid;
  - (v) The amount outstanding.
  - (vi) The date on which payment was made.
  - (vii) The name and address of the payee.
  - (viii) Serial number of the voucher.
  - (ix) Serial number of the bills, and
  - (x) The name and address of the person to whom the amount outstanding is payable.
- (c) That Shri Achint Ram or his election agent purchased several copies of the Electoral Rolls for use in the election. No expenses incurred in the purchase of electoral rolls is given in the account of election expenses.
- (d) That expenses incurred in the conveyance of voters to the polling stations are not shown in the account of election expenses. Particulars of the conveyance of voters to the polling station are given in paragraph 9(i) to (xii).

For the reasons given above the petitioner prays:—

- (a) that the election of Shri Achint Ram may be declared void and set aside;

- (b) that Shri Achint Ram may be disqualified for membership of Parliament and the Legislatures of every State and for voting at any election for six years; and
- (c) that the petitioner may be awarded costs of the petition.

Sd/- DIWAN SINGH,  
Petitioner.

DELHI,

Dated 3rd May, 1957.

*Verification:*

Verified that paras Nos. 1 to 6 are true and correct to my knowledge and that paras 7 to 12 are true and correct according to the information received by me and believed by me to be true.

Verified on this the 3rd day of May 1957 at Delhi.

Sd/- DIWAN SINGH,  
Petitioner.  
[No. 82/429/57].

By Order,  
DIN DAYAL, Secy.

